



March 6, 2016

VIA ECF

Hon. Thomas J McAvoy  
Senior District Court Judge  
Northern District of New York  
Federal Building and U.S. Courthouse  
15 Henry St  
Binghamton, NY 13901

Re: Winston v. City of Syracuse et al.  
16-CV-00235(TJM)(ATB)

Dear Judge McAvoy:

I am writing to respectfully request the Court dismiss plaintiff's remaining claims in the above referenced matter with prejudice pursuant to Rule 41(a)(2) of the Federal Rules of Civil Procedure 41. Following this Court's September 8, 2016 Order plaintiff was left with as applied Equal Protection and Substantive Due Process Fourteenth Amendment claims. During discovery it became apparent that judicial economy and the parties' best interests would be served by dismissing these claims with prejudice and proceeding with an appeal of this Court's previous Order. I have spoken with counsel for the defendants and he consents to the granting of this request.

Thank you for your attention to this matter.

Respectfully submitted,

/s/ Josh Cotter

Josh Cotter  
Staff Attorney

cc: John Sickinger, Esq